IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

INCOME TAX APPEAL NO. 739 OF 2002

The Commissioner of Income Tax
Mumbai City 17 Mumbai Appellant

vs.

Shri Abdul Karim Issack Respondent

Mr.R. Asokan i/b. Mr.K.B. Rao for the appellant.

CORAM : R. M. LODHA & J.P. DEVADHAR,JJ

DATED : 10th September 2004

P.C.

Heard.

2. The question raised in the appeal stands answered by the Division Bench judgment of this Court in the case of Cadell Weaving Mill Co.Pvt.Ltd. v. Commissioner of Income-tax, 249 ITR 265. The learned counsel for the revenue, however, submits that the said judgment is under challenge before the Supreme Court. Even if that be so, in so far as we are concerned, the controversy stands concluded by the Division Bench judgement cited supra.

3. No substantial question of law arises.

4. Appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)